

INTRODUCTION OF REMARKS BY

Chief Judge Mary M. Schroeder

May 3, 2004

Judicial Branch Commemorative Celebration of the Commonwealth of the
Northern Mariana Islands

“Judicial Independence” Day was in observance of the end of 15 years discretionary review of the Commonwealth Courts by the Ninth Circuit Court of Appeals. The appeals from the Commonwealth will now only be heard by the United States Supreme Court. Three judges of the Ninth Circuit attended: Chief Judge Mary Schroeder, and former Chief Judges Alfred Goodwin and Clifford Wallace.

Chief Judge Schroeder’s remarks at the Ceremony follow:

KEY NOTE ADDRESS BY

CHIEF JUDGE MARY M. SCHROEDER

Saipan Independence Day May 3, 2004

I am honored to be here today as the Commonwealth celebrates its Judicial Independence from certiorari review by the Ninth Circuit. My role is to be a sort of beneficent King George III but, no, I do not feel like King George speaking to the delegates in Independence Hall on July 4th, 1776. I certainly don’t look like him. Your judicial independence day is to my knowledge an event that no other jurisdiction has ever celebrated. I was asked here, along with my colleagues Judge Goodwin and Judge Wallace to

wish you well on your new journey. This will be a journey through what may sometimes appear to be a tangled thicket, a thicket not of roots and leaves, but of government branches. We are here to applaud your commitment to the real objective – an independent judiciary operating under the rule of law – a rule of law your courts will now play a more independent role in defining.

Judges Wallace and Goodwin have been watching the development of your court system much longer than I. Judge Goodwin seems to me sometimes to spend more time here with you than with his own children. Indeed in a sense, the Northern Mariana Islands are his children. Judge Wallace has an unsurpassed record of training judges in Pacific jurisdictions to administer courts and avoid the pitfalls of bureaucratic and other inappropriate interference that, believe me, can pop up anywhere.

With such colleagues, so distinguished and so familiar with your experiences, I wondered what I might say that would add anything to the occasion. I am consoled by the realization that neither the world nor any of you will long remember what is said here (to fracture a phrase of Abraham Lincoln) but we will all remember that we were here today to observe the end of one legal era and the beginning of the new one for the people of

these islands.

Let me digress for a moment to reflect on the nature of the season, on the mainland at least – Spring – and the harbinger that comes with it – baseball. Over the span of several generations I have been among the hundreds of thousands of tortured soles known as fans of the Chicago Cubs. We are overly optimistic to the point of becoming delusional every Spring. The last year the Cubs won the World Series was in 1908. Several years ago during a Cubs Spring Training game I saw a sign that perhaps more appropriately would describe today's event. The sign said, "Chicago Cubs: [CNMI] Building a New Tradition" The Cubs of course did not build a new tradition that year. They finished near the cellar, thereby continuing the old tradition. But today in Saipan it is really about building a new tradition. Indeed the law says you must build a new tradition – a tradition of law making without review of any court except the highest court.

A question that you and your succeeding generations must answer is whether or not it will be an honorable tradition. We cannot answer that question today, but we can understand the kind of building blocks that must go into the construction of the new legal tradition if it is to be an

honorable one for our grandchildren and great grandchildren.

The building blocks are people, and if they are to be strong building blocks they must have certain qualities. They must be familiar with a variety of legal traditions. They must embody the qualities necessary to produce leadership, constructive change, and shared positive values. They must be people with courage and self reliance.

Wonderful, you say, but how do we find such people? The best way to surround ourselves with these people in the future and to strengthen the foundations of the growing legal tradition is to encourage our young people to seek environments that are enlightening and nurturing. The main road to those environments, in a simple word; is education. Such education entails a long journey. But, without educated leadership we cannot have effective leadership. We need leaders of a legal system who can make it function impartially and fairly and provide sensible and prompt guidance to the judges and the citizens of these Islands.

Let me give you an example of a person from the Pacific Islands who made many successful journeys and who passed away only a few months ago. I speak of Judge Herbert Choy of Hawaii, the next to the last territorial attorney general of Hawaii, the first Hawaiian to sit on the Ninth

Circuit Court of Appeals, the first Korean American to become a Federal Judge.

A few weeks ago, I went to Honolulu to make arrangements for the preservation of his papers. I came across a copy of a speech he made at the Harvard Law School in 1991 on the year of the 50th reunion of his graduating class. The title of the speech is “Me.” It tells about his many journeys through a career of public service marked by absolute dedication and integrity: his journey from Honolulu to Harvard in 1938; his military experience in World War II; through the practice of law and high governmental posts that he did not always seek. In all of those journeys, he blazed a trail for lawyers from all ethnic groups to follow. Let me share with you how he described his early life as the son of a sugar cane cutter in Kauai who made good.

“I was born in the sugar plantation hamlet of Makaweli, Kauai, Territory of Hawaii on January 6, 1916. My mother recalled that I came into the world at 6 a.m. just as the plantation mill whistle blew heralding a new work day. My parents were both born in Korea. Their parents, my grandparents, came to a Hawaii as sugar plantation contract laborers bringing their children with them....”

“My father was a remarkable person. At 18, he began business as a ‘merchant-tailor’ as he styled himself. Besides clothing, he sold miscellaneous items of jewelry and personal adornments to plantation laborers. I have in my office his [1917] diploma from the Cybeck School of Garment Cutting and Designing in New York City. I marvel at his ability to complete correspondence courses with only 4th grade schooling....”

“Although my father left school at an early age to help his family as a plantation laborer, he had a firm belief in education which he realized vicariously through his siblings, his children, and the children of his brother, all of whose schooling he subsidized. ‘You must have education’ was his constant reminder to us.”

Judge Choy goes on to describe his father’s moving the family to the Island of Oahu to go into the military uniform business in 1921 where, with the growth of the military, the business thrived. His father was careful that the family lived in an area with a fine school. Again, education being the most important thing comes through. Judge Choy writes:

“Royal school had been established in 1939 to train children of Hawaiian royalty and chiefs for their future as the reining class of Hawaii.

After the annexation of the Island to an American territory, the school was converted into a public grammar school. I was fortunate to have had my primary education there. Beginning in the fourth grade when I was 10 years old, I developed a love for books and read avidly, sometimes a book a day..... Every Saturday morning, I and about 15 other children massed at the entrance of the juvenile section of the public library for the door to open at 9:00 a.m. When the door was opened by the librarian, she had to move aside quickly to avoid the stampede to the books.”

Judge Choy goes on to describe how his mother was afraid he would become a bookworm but through the Boy Scouts, he developed a keen interest in sports and took up surfing. He explained, “when I entered the College at the University of Hawaii in 1934 I was by then addicted to surfing and spent most of my free hours in the ocean of Waikiki riding waves....”

“My love of surfing nearly caused my downfall in college because I was cutting classes and neglecting my studies to go to the beach. I came to my senses after being put on the list of those who were in peril of dismissal for neglecting studies. I had told my home room teacher in 1930 when I was about to graduate from primary school, that I wanted to be a lawyer

when I grew up. Thus, when my name appeared on the imperiled list, I resolved to mend my ways.”

And he did, turning to debate and buckling down and, in his words, to compile a record “sufficiently good” for admission to Harvard Law School.

It is difficult for me to imagine what it must have been like to leave Honolulu in 1938 for Cambridge Massachusetts. Judge Choy describes the journey as follows:

“When I departed for law school, that was the first time I left the Island. Honolulu was then a fairly small city. I had never been to a large city, nor experienced the change of seasons. When the steamer arrived in San Francisco, I had my first view off-port of a beautiful city.... On arrival in Boston [by bus to save money] I checked into a small hotel near the bus station... and the next morning took the subway to Cambridge and inquired at the law school registrar’s office regarding housing... I found a single room in a house at 26 Mellen Street located only 2 blocks from the law school.... I remained at 26 Mellen for all of my 3 years of law school.”

Judge Choy’s memoirs continue to take him through his law school career, his return to Honolulu and passing the bar examination just in time

for enlistment in the army December 7, 1941. His post-war career began in practice in Honolulu where he joined the first Korean-American law firm with the soon to be Senator Fong and Judge Choy was eventually appointed territorial attorney general. He was known as the most athletic of Hawaii's attorneys general and a photograph of the surfing attorney general riding a wave became legendary. He never lost his passion for physical fitness, a key to success in his opinion and in mine. His address to Harvard students closes with a memorable passage reflecting on the difference between academic honors and professional success:

“ I did not graduate from law school with honors. I was not on the law review; nor will most of you be but don't let that draw back phase you. You will be in good company: to mention only three personages Justices David Souter and Anthony Kennedy, and ex-defense secretary Casper Weinberger, my classmate, were not either.... don't underestimate your abilities and potential.”

That is sound advice for people, for institutions, and for a newly independent court system. You must learn, and learn is the operative word, from your formal educations, your experiences, and from other court systems, and from each other. There is no independence without

cooperation and understanding the nature of choices that might be made.

A celebration of independence is always a celebration of a new ability to make choices. I urge all of you to follow the example of Herb Choy who chose the path of education, and of self-reliance that led to his own personal fulfillment and to a life of public service that is a model for future generations serving the legal systems of the Pacific Islands and most especially this Commonwealth.

Congratulations on your independence. May you use it well.